

AMENDED IN SENATE MARCH 29, 2006

**SENATE BILL**

**No. 1425**

---

**Introduced by Senator Kuehl**

February 22, 2006

---

An act to amend Section 5009 of the Water Code, relating to water.

LEGISLATIVE COUNSEL'S DIGEST

SB 1425, as amended, Kuehl. Groundwater extraction.

Existing law, with certain exceptions, requires a person who, after 1955, extracts groundwater in excess of 25 acre-feet in any year in the Counties of Riverside, San Bernardino, Los Angeles, and Ventura to file with the State Water Resources Control Board an annual notice of extraction. Existing law, with certain exceptions, provides that, after 1959, the failure to file a notice for any calendar year within 6 months after the close of that calendar year is equal to nonuse of the groundwater in those counties for that calendar year by each person failing to so file. Existing law requires each person who extracts groundwater in a board-designated local area and who is otherwise subject to these described provisions, to file the required notice with a local public agency or court-appointed watermaster that has been designated by the board to receive the notice (local agency), instead of the board. Existing law defines "board-designated local area" as the area entirely within the jurisdiction of the local agency that the board has determined are to be subject to these provisions. Existing law authorizes the board to designate an entity as a local agency for those purposes if the board determines the local agency meets specified requirements, including a requirement that the entity has volunteered to be designated.

This bill would modify the definition of “board-designated local area” to include any area for which the local agency has formally agreed to accept the required notice ~~for the purpose of consolidating the submittal of extraction data to the state~~. The bill would require the board to designate an entity as a local agency if the board determines the local agency meets specified requirements.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 5009 of the Water Code is amended to  
2 read:

3 5009. (a) (1) Notwithstanding any other provision of this  
4 part, on and after January 1, 2005, each person who extracts  
5 groundwater in a board-designated local area, and who is  
6 otherwise subject to this part, shall file the required notice with  
7 the appropriate local agency designated pursuant to subdivision  
8 (e), instead of the board, in accordance with this part. The notice  
9 shall be on a form provided by the local agency and the content  
10 of the form shall be determined by the local agency in  
11 accordance with Section 5002. To the extent possible, the form  
12 shall consolidate the notice required under this section with other  
13 reports required by the local agency relating to the extraction of  
14 groundwater.

15 (2) A person who is subject to this section is subject to this  
16 part in the same manner and to the same extent as a person who  
17 files his or her notice with the board.

18 (b) Each notice filed with the local agency may include a  
19 filing fee determined by the local agency. If the local agency  
20 chooses to impose a filing fee, the local agency shall calculate  
21 the amount of the fee to pay for administrative expenses incurred  
22 in connection with the processing, compiling, and retaining of the  
23 notices, but in no event shall the fee amount exceed that amount  
24 charged by the board pursuant to Section 5006.

25 (c) The local agency shall make available to the public the  
26 information collected pursuant to this section.

27 (d) For the purposes of this section:

28 (1) “Board-designated local area” means the area entirely  
29 within the jurisdiction of the local agency that the board has

1 determined shall be subject to this section, and any area for  
2 which the local agency has formally agreed to accept the required  
3 notice for the purpose of consolidating the submittal of extraction  
4 data to the state.

5 (2) “Local agency” means the local public agency or court  
6 appointed watermaster that has been designated by the board in  
7 accordance with subdivision (e).

8 (e) The board shall designate an entity as a local agency for  
9 the purposes of this section, if the board determines that all of the  
10 following apply:

11 (1) The entity has volunteered to be designated.

12 (2) The entity has responsibilities relating to the extraction or  
13 use of groundwater.

14 (3) The entity has made satisfactory arrangements with the  
15 board to identify which groundwater extractors are within the  
16 designated local area and to avoid the submission of notices to  
17 both the board and one or more local agencies.

18 (4) The entity has made satisfactory arrangements with the  
19 board to maintain records filed under this part for extractions  
20 within the designated local area, and to make those records  
21 available to governmental agencies.